

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF ALABAMA
SOUTHERN DIVISION

WAYNE BLACK, #137192,)
)
Plaintiff,)
)
v.) CIVIL ACTION NO. 1:03cv734-MEF
)
LAMAR GLOVER, et al.,)
)
Defendants.)

ORDER

On September 28, 2006, plaintiff filed a motion requesting the court to issue subpoenas to Darien Bush, Anthony Boston, and Vallie Hathaway (Doc. # 39).¹ Upon consideration of the motion to issue subpoenas, and for good cause, it is

ORDERED that the motion be and hereby is DENIED as moot. The court ordered service of subpoenas on plaintiff's witnesses, including Bush, Boston and Hathaway, by order entered September 22, 2006 (Doc. # 34). The Marshal has successfully served Bush and Hathaway, although plaintiff did not provide any witness fees to accompany the subpoenas. As plaintiff was informed by the court in a telephone conference on September 27, 2006, Boston could not be found at the address provided. Plaintiff was unable to offer any other address for use by the Marshal to locate Boston.

It is further ORDERED that the application to proceed without prepayment of fees

¹ The motion was filed on a form used to file civil actions in the District Court. However, it is clear that the pleading filed by plaintiff is intended to seek the issuance of subpoenas in the pending civil action, which is set for trial on October 2, 2006.

filed September 28, 2006 (Doc. # 40) be and hereby is DENIED as moot in light of the plaintiff's previous motion to proceed *in forma pauperis* and the court's order granting the motion (Doc. ## 2 and 3).

DONE, this 28th day of September, 2006.

/s/ Susan Russ Walker
SUSAN RUSS WALKER
UNITED STATES MAGISTRATE JUDGE